IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO : 19639 of 1997

Between:

B.Sadasivaiah S/o.B.Chennamallaiah
S.V.University R/o.4-1-1, Dhanalakshminagar,
Avilala Panchayat, Tirupathi Rural Chittoor Dist

..... PETITIONER

AND

1 The Registrar S.V.University, Tirupathi, Chittoor Dist
2 The Government of A.P rep.by its Principal Secretary
to Education Department Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of a writ, directing the respondents to regularize service of the petitioner as Driver and pay him the regular scale of pay attached to it from the date of filing this writ petition and pass such other order.

For the Petitioner: MR.G.PEDDA BABU

For the Respondent No.1: P. Sriramula Naidu

For the Respondent No.2: Govt. Pleader for Higher Education.

The Court Made the Following :

ORDER:

The petitioner herein, who has been working as Driver since 1985 filed this Writ Petition inter alia, seeking for Mandamus for a direction to the respondents to regularize the services, as Driver and also to pay the regular scale of pay attached to the said post.

The case of the petitioner is that even though he has fully qualified and working as driver without any complaints whatsoever with the respondents herein since 1985, in spite of certain vacancies arose in the year 1987 and a representation filed by the petitioner to regularize the services in the said vacant post, the same is kept pending and no orders have been passed. Hence, the present Writ Petition.

In the counter filed by the respondents it is stated that the matter has been referred to the Government, which has ultimately granted permission in G.O.Rt No. 1732 dated 3.12.1997. In view of the same, there should not be any impediment in considering the case of the petitioner.

It is also pointed out on behalf of the petitioner that in similar circumstances, this court has allowed the Writ Petition No. 4734 of 1993 as per the orders dated 19.7.1995 protecting their scales of pay and a direction was given to pay the minimum pay scales made for the particular category and also to pay arrears.

Having heard the learned counsel on either side and also on perusal of the material, the only question remains for consideration is as to whether the petitioner is entitled for regularization of services as Driver. There is no dispute of the fact that the petitioner has been working as Driver since 1985 and he has also applied for regularization in the year 1997 in view of certain vacancies arisen, but the matter is still kept pending. Though certain objections were sought to be taken on behalf of

the respondents and clarification sought that remain in vacuum situation, in view of the permission already accorded by the Government in G.O.Rt No. 1732 dated 3.12.1997.

In the circumstances, It would suffice in the interest of justice to direct the respondents herein, to consider the case of the petitioner for regularization in terms of the permission already been granted and also pay the minimum pay scale to that particular category along with arrears, as already directed by this Court. The entire exercise shall be done within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

_____ B. PRAKASH RAO, J

Dated: 15/12/2004

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To

1 The Registrar S.V.University, Tirupathi, Chittoor Dist
2 The Government of A.P rep.by its Principal Secretary to Education Department Secretariat, Hyderabad

3. 2 CCs to Government Pleader for Higher Education (OUT)

4. 2CD copies